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10/714,523	11/14/2003	Gilles Houle	5053-00507	2227

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EXAMINER

LU, TOM Y

ART UNIT	PAPER NUMBER
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2624

MAIL DATE	DELIVERY MODE
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05/20/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/714,523	Applicant(s) HOULE ET AL.	
	Examiner Tom Y. Lu	Art Unit 2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1130, 1133, 1134, 1136 and 1138-1146 is/are allowed.
- 6) ☒ Claim(s) See Continuation Sheet is/are rejected.
- 7) ☒ Claim(s) 1154-1156 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>04/10/2009</u> . | 6) <input type="checkbox"/> Other: _____ |

Continuation of Disposition of Claims: Claims pending in the application are 1093-1098,1100-1110,1113-1115,1119,1120,1123-1130,1133,1134,1136,1138-1147 and 1149-1161.

Continuation of Disposition of Claims: Claims rejected are 1093-1098,1100,1102-1110,1113-1115,1119,1120,1123-1129,1147,1149-1153 and 1157-1161.

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DETAILED ACTION

Response to Amendment

The amendment and written response filed 04/08/2009 has been entered and considered.

Claims 1-1092, 1099, 1101, 1111-1112, 1116-1118, 1121-1122, 1131-1132, 1135, 1137 and 1148 have been cancelled.

Claims 1093, 1108, 1109, 1110, 1119, 1125, 1126, 1127, 1128, 1129, 1130, 1145, 1146, 1147, 1149, 1150, 1151, 1152, 1153 and 1154 have been amended.

Claims 1158-1161 have been added.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 04/10/2009 has been considered by the examiner.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1093-1098, 1100, 1102, 1108-1110, 1113-1115, 1119, 1125-1129, 1149-1150, 1153 and 1157-1161 are rejected under 35 U.S.C. 102(b) as being anticipated by Krouse et al (“Krouse”) (U.S.P.N. 6,097,834).

As per claim 1093, Krouse discloses a method of assessing the validity of a payment instrument using a computer system (column 4, lines 12-17), comprising: providing the payment instrument to a computer system, wherein the payment instrument comprises pre-printed

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information (column 4, lines 18-21, the document is a bank check as shown in figure 6 and the visual information contains the pre-printed information of MICR line and other check information printed on a check); comparing, using the computer system, at least a portion of the pre-printed information in the payment instrument to one or more document stock profile representations associated with a profile for one or more accounts or a profile for one or more individual writers, entities, or representatives of an entity (column 4, lines 24-39 and column 14, lines 64-67 and column 15), wherein evidence of non-validity of the payment instrument comprises failure of at least a portion of the pre-printed information in the payment instrument to approximately match at least one of the one or more document stock profile representations (if there is no match between the recognition characteristics of the scanned check and the reference recognition characteristics of previously stored documents, then the check is not valid).

As per claim 1094, see figure 6.

As per claim 1095, see figure 6.

As per claim 1096, scanned check images.

As per claim 1097, see scanned check image with pre-printed information in figure 6.

As per claim 1098, at least MICR is pre-printed characters.

As per claim 1100, see explanation in claim 1098.

As per claim 1102, see column 15, lines 25-31.

As per claim 1108, see explanation in claim 1093. The examiner notes Krouse's system is a computer system, which inherently contains the claims CPU, data memory and a system memory.

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As per claim 1109, see explanation in claim 1093. Since Krouse's system is a computer system, which inherently contains a computer-readable medium.

As per claim 1110, see explanation in claim 1093, at least the MICR is a machine printed text block.

As per claim 1113, see explanation in claim 1110.

As per claim 1114, see explanation in claim 1110.

As per claim 1115, see explanation in claim 1110.

As per claim 1119, see explanation in claim 1102.

As per claim 1125, see explanation in claims 1108 and 1110.

As per claim 1126, see explanation in claim 1109 and 1110.

As per claim 1127, see explanation in claim 1093.

As per claim 1128, see explanation in claim 1108.

As per claim 1129, see explanation in claim 1109.

As per claim 1149, see column 15, lines 1-3.

As per claim 1150, when the recognition characteristics do not match, the check is non-valid.

As per claim 1153, see column 14, lines 64-67 and column 15, there are plural fields are used for comparison, and the plurality comparisons are based on a cross-field relationship.

As per claim 1157, see column 7, line 54.

As per claim 1158, see column 7, line 54 and column 15, lines 1-3.

As per claim 1159, see column 15, lines 1-3.

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As per claim 1160, the rectangle as explained in column 15, line 1 can be any field from a check, which includes the company logo.

As per claim 1161, see column 15, lines 1-3.

Claims 1093-1098, 1100, 1108,-1110, 1113-1115, 1119 and 1125-1129 are rejected under 35 U.S.C. 102(b) as being anticipated by Holt (U.S.P.N. 5,097,517).

As per claim 1093, Holt discloses a method of assessing the validity of a payment instrument using a computer system (figure 2A), comprising: providing the payment instrument to a computer system, wherein the payment instrument comprises pre-printed information (a check as shown in figure 1A is fed to scanner 331 in figure 3A with pre-printed information); comparing, using the computer system, at least a portion of the pre-printed information (printed CAF, column 40, line 11) in the payment instrument to one or more document stock profile representations associated with a profile for one or more accounts or a profile for one or more individual writers, entities, or representatives of an entity (column 6, lines 30-38), wherein evidence of non-validity of the payment instrument comprises failure of at least a portion of the pre-printed information in the payment instrument to approximately match at least one of the one or more document stock profile representations (numeral 334 in figure 2A).

As per claim 1094, see figure 1A.

As per claim 1095, see figure 1A.

As per claim 1096, scanner 331 scans one or more image of a check.

As per claim 1097, column 5, lines 66-67.

As per claim 1098, printed CAF amount is at least pre-printed characters.

As per claim 1100, see explanation in claim 1098.

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As per claim 1102, column 6, lines 33-35.

As per claim 1108, see explanation in claim 1093, and the Holt's system is a computer system, which inherently contains CPU, data memory and system memory.

As per claim 1109, see explanation in claim 1093, and the Holt's system inherently contains a computer medium.

As per claim 1110, see explanation in claim 1093, the printed CAF amount is a machine-printed text block.

For claims 1113-1115 and 1119, see explanation above.

As per claim 1125, see explanation in claim 1108.

As per claim 1126, see explanation in claim 1109.

As per claim 1127, see explanation in claim 1093.

As per claim 1128, see explanation in claim 1108.

As per claim 1129, see explanation in claim 1109.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1103-1107, 1120, 1123-1124, 1147, 1151 and 1152 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krouse in view of Holt.

As per claim 1103, Krouse does not explicitly teach a comparison between handwriting in the amount field of the check image with handwriting in the amount field of the stored

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reference check image. Holt teaches comparing the handwriting in the courtesy amount field with stored handwriting profiles to determine the validity of the check, see column 6, lines 10-20. At the time the invention was made it would have been obvious to a person of ordinary skill in the art to modify Krouse's system in light of Holt's teaching to compare handwriting in the CAF field to determine the validity of the check because of it allows the validity of the check to be determined based upon numeral characters in the amount field.

As per claim 1104, see column 1, line 30 in Holt.

As per claim 1105, Holt at column 5, lines 66-67, teaches in addition to CAF field, other fields on the check image can also be extracted for comparison, and such comparison can be done through the same procedure as the comparison of CAF, which implies the handwriting of the legal amount as well as the signature can both be extracted and compared to determine the validity of the check if one desires. Additionally, the examiner takes official notice that such handwriting comparison in the field of legal amount and signature is well known in the art, and the combination of Krouse and Holt can be easily modified to accommodate such comparison.

As per claim 1106, see explanation in claim 1105.

As per claim 1107, see explanation in claim 1103.

As per claim 1120, see explanation in claim 1103.

As per claim 1123, see explanation in claim 1106.

As per claim 1124, see explanation in claim 1107.

As per claim 1147, the examiner notes both Krouse and Holt teaches comparing at least a field in a check with the corresponding field in the previously stored check images; and if the field is matched with the corresponding field in a stored check image, the check is valid.

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However, neither Krouse nor Holt teaches the check would be non-valid if there is a match. Nonetheless, it would have been obvious to a person of ordinary skill in the art to recognize if known non-valid check images have been stored as references, it is logical that any match would render the check non-valid. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the combination of Krouse and Holt to accept previously identified non-valid check images as references in comparison to reject non-valid checks. One would be motivated to do so because it is a matter of design choice in choosing reference images, and sometimes it is economically feasible to use non-valid check images as references than valid check images if the number of the non-valid check images are much fewer than the valid ones.

As per claim 1151, see table in column 16.

As per claim 1152, the examiner notes the handwriting comparison would weight differently than the pre-printed information comparison between it is logical that handwriting comparison is more erroneous than the pre-printed information comparison.

Allowable Subject Matter

Claims 1154-1156 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 1130, 1133-1134, 1136, 1138-1146 are allowed.

Response to Arguments

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Applicant's arguments with respect to claims 1093-1110,1113-1116,1119-1120,1123-1130,1133-1134,1136,1138-1157 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom Y. Lu whose telephone number is (571)272-7393. The examiner can normally be reached on 9AM -5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Werner can be reached on 571-272-7401. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tom Y Lu/

Primary Examiner, Art Unit 2624